

ET 95-49

**FEDERAL COMMUNICATIONS COMMISSION**  
WASHINGTON, D.C. 20554

NOV 27 1994

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MAR 16 1995

Mr. Rhett Dawson  
President  
Computer and Business Equipment Manufacturers Association  
1250 Eye Street, NW  
Suite 200  
Washington, DC 20005

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Dear Rhett:

Thank you for your letters of November 8 and 11, 1994, offering several helpful suggestions for revamping the FCC rules for digital devices. We very much appreciate the contributions CBEMA has made in the past and continues to make towards the development and evolution of our program to control radio interference from digital electronic products.

I have read your proposal for a Supplier's Declaration Program to replace our current FCC certification requirement for personal computers and peripherals. I note your suggestion that the FCC should take this action as a next step in our pending proceeding on the regulation of modular computers (Docket 90-413). We are currently considering this and other options as to how we might proceed.

As I mentioned to you in our meeting, we are very much concerned that any changes in our regulatory program also provide a reasonable path to compliance for point-of-sale manufacturers. We will consider your offer to work jointly with industry after the beginning of the New Year to develop creative solutions.

While we were at COMDEX we met with several of the major suppliers to point-of-sale manufacturers. We found the meetings to be extremely useful and learned a great deal about the nature of the industry and the problems it faces in complying with the current rules. We expect to receive further inputs from the people we met. Thanks for the help in making the appropriate contacts.

Mike Marcus and Rick Engelman of my staff are scheduled to meet with Bill Hanrahan and the ESC-5 Committee on Electromagnetic Compatibility on December 1. I expect the meeting will further discuss the matter of point-of-sale manufacture and how we might proceed.

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I appreciate CBEMA's support in this effort and I will follow up with you as we continue to advance the process of developing a specific plan to change the current requirements.

Sincerely,

A handwritten signature in black ink, appearing to read "Dick", written in a cursive style.

Richard M. Smith  
Chief  
Office of Engineering & Technology

November 11, 1994

Mr. Richard Smith  
Chief, Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, NW., Room 7002  
Washington, DC. 20554

Dear Dick,

Our meeting was very useful to me and I returned to my office yesterday with firm resolve to seize the opportunity you have presented us.

Let me summarize where I think we are and make a proposal to you. While I understand you have not made any determination on the course of action set forth in my November 8 letter, you understand fully our point of view, want to take the initiative to reduce unnecessary paperwork and are open to a course of action.

However, while a Supplier's Declaration Program such as that suggested by CBEMA has many obvious benefits for computer and computer peripheral manufacturers, it may not be as easily implemented by manufacturers of modular components to build and sell computer products at the retail level. We understand and share the Commission's Concern that the current certification program is not effective in achieving a level of compliance for modular computers.

We would urge that the Office of Chief Engineer make known its intent to expedite action in the Modular Computer proceeding and, in that regard, that OET is currently favorably inclined toward the Supplier's Declaration Program as the primary compliance tool for Class B computers. At the same time, OET should encourage those whose interests may be affected by the adoption of a Supplier's Declaration Program -- primarily ourselves, retail store representatives and modular component manufacturers -- to sit down with you and your staff shortly after the beginning of the New Year and come up with creative and constructive approaches to this problem. Such approaches must assure modular component compliance with the FCC's limits on RF emanations, while also being sufficiently flexible to allow, and encourage, point of sale assemblers to achieve compliance for the computers assembled on a modular basis. These approaches must also provide consumers with the information needed to establish that computers have achieved such compliance prior to making the purchase decision.

With such industry sponsored approaches in hand, the Commission will be best positioned to make its own determination and meet its objective of "re-inventing government" by implementing a program that is effective in achieving a high level of compliance without imposing unnecessary government intervention in the design, development and marketing process for personal computers.

Mr. Richard Smith  
November 11, 1994  
Page 2

If this is an approach, which taken together with my previous letter and analysis, you find acceptable, I would urge you to issue a "call to arms" at COMDEX to this effect. In the meantime I hope we can begin planning on the meeting I have suggested take place in January. I know you will give this proposal your careful consideration and I hope you enjoy your visit to COMDEX.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhett". The letters are cursive and fluid, with a large initial "R" and a stylized "hett".

Rhett Dawson  
President

RD/ah

November 8, 1994

FEDERAL COMMUNICATIONS COMMISSION  
AUTHORIZATION & EVALUATION DIV.

NOV 21 1994

Mr. Richard Smith  
Chief, Office of Engineering and Technology  
Federal Communications Commission  
2025 M Street, N.W., Room 7002  
Washington, D.C. 20554

COLUMBIA, MD

Dear Dick:

I want to personally thank you and the members of your staff for taking the time to meet with our ESC-5 Committee on Electromagnetic Compatibility on Wednesday, October 19. The committee felt it was a very beneficial meeting and look forward to working with you and your staff on the issues they discussed with you, i.e., the FCC Authorization program and the design and construction of the Open Area Test Site you are contemplating.

As you may know, the purpose of the Computer and Business Equipment Manufacturers Association (CBEMA) is to promote the global competitiveness of its members — the leading information technology companies.

CBEMA's Mission is to shape policies and actions that:

- Open markets;
- Promote free and open competition;
- Rely on market based solutions;
- Protect intellectual property; and
- Develop and advance the use of voluntary standards.

CBEMA has been involved for more than fifteen years in the development of limits for, and methods of measuring, radio frequency emissions from computing devices. CBEMA has actively participated -- indeed, in many cases been among the leaders -- in these activities, from the initial proposals to regulate the emanation characteristics of computers in Docket 20780, through the Part 15 rewrite, to adoption of the ANSI C63.4 measurement standards, to harmonization of FCC specifications with international standards and to permitting manufacturers of computing devices to demonstrate compliance with either the FCC requirements or the international standards for radio frequency (rf) emissions. We are pleased that under Chairman Hundt's leadership you are considering useful modifications to the process of compliance to Part 15.

CBEMA has long advocated the principle of Supplier's Declaration of Conformity (also referred to by the FCC as Verification ) and has consistently promoted its worldwide acceptance in preference to Government approved certification, especially in areas where certification is not necessary for health, safety and other reasons such as interference with the proper performance of licensed radio services or other electrical and electronic products. We believe the experience with Class B Computing Devices (as defined by the FCC Part 15 Rules and Regulations) indicates that these products have not been the cause of any significant interference with the proper performance of licensed radio services or other electrical or electronic products. In view of this record, CBEMA has developed and submits for your consideration the following proposal for a form of Supplier's Declaration of Conformity to FCC part 15 Rules and Regulations covering Class B Computing

Devices that are currently subject to FCC certification. This proposal has been developed taking into consideration the effects on international harmonization, private test houses, non-manufacturers (assemblers of products and systems) and provision of adequate data to enable field enforcement.

The CBEMA proposed Supplier's Declaration of Conformity process would operate as follows: The supplier would test the product (or have it tested by a third party testing organization) and complete a Supplier's Declaration of Conformity form. The original would be retained by the supplier. A copy would be shipped with each product (as part of the instruction manual or in some other form). The FCC would not receive a copy for its file but would rely on the supplier's having one.

The Supplier's Declaration of Conformity form would contain the following:

- product identification, e.g., trade name and model number
- a list of the specifications/standards complied with, e.g., Part 15B, 47 CFR, etc.
- a test report identifier (so the report could be located if needed. The test report would have to be retained by the supplier and made available to the FCC within 14 days if requested)
- signature of a legally responsible representative (under U.S. jurisdiction) of the supplier

We believe this proposal provides the following benefits:

- promotes international harmonization
- facilitates enforcement in the marketplace and frees FCC staff for marketplace auditing
- increases information available to consumers and thus consumer awareness of FCC compliant product
- eliminates premature disclosure of company confidential information
- increases the competitiveness of U.S.-based manufacturers by reducing the time-to-market
- saves the industry at least \$250 million annually by elimination of barriers to bringing new products to market

We propose that :

- this process, Supplier's Declaration of Conformity, be permitted for Class B PCs and Peripherals in place of the current Certification Process.
- the FCC maintain the present Verification Process for Class A Computing Devices
- the Supplier's Declaration of Conformity process be made optional for Digital Devices (unintentional radiators) other than Class B PCs and Peripherals

Also, in response to your request, we have given careful consideration to other areas of improvement in the overall administering of the Part 15 rules and regulations, especially as they apply to Point-of Sale manufacturers. We are currently developing ideas on this issue, and we expect to have some recommendations for you before the end of this year. As you are aware, the FCC has a longstanding proceeding dealing with the regulation of modular computers (Docket 90-413). CBEMA was one of many parties that urged in that proceeding that the equipment authorization procedures applicable to digital devices sold at retail be relaxed. We believe that it would be fully consistent with the record in that proceeding for the Commission to issue a First Report adopting the Supplier's Declaration of Conformity program for manufacturers to be implemented immediately, while considering in a Further Notice of Proposed Rulemaking the viability and impact of such approach on retailers and distributors whose primary product consists of computers assembled from modular components. While those more complex enforcement issues are being addressed, the computer industry and the public could have the benefit of this new regulatory program as it applies to manufacturers.

Page 3

With regard to the design and construction of an FCC Open Area Test Site, our member company experts are most willing to review the Commission's proposed test site specifications and provide their comments based upon their experience in building several of these test sites for their own use. David Means, Chief of the FCC's Engineering Evaluation Branch, has already sent us some of the specifications and the Commission's Acquisition Branch has sent us a copy of the complete design plans and specifications. We will get back to you with our comments as quickly as we can.

After you have had the opportunity to give our proposal your serious consideration, we would be pleased to meet with you, at your convenience, to discuss it in more detail.

We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "Rhett", with a large, stylized initial "R" and a trailing flourish.

Rhett B. Dawson  
President  
CBEMA

## **Proposal for FCC Verification (Supplier's Declaration of Conformity) for Class B Computing Devices**

The FCC has worked cooperatively with the computer industry on a number of issues since the 1970s. One area of high priority to the industry has been developing procedures to ensure that computer products comply with FCC limits on radio frequency emission levels. (These procedures are contained in the FCC's Part 15 Rules and Regulations governing Computing Devices.)

The program has been mutually beneficial. Manufacturers have conscientiously complied with the submission requirements, and our experience has shown that computing devices have not caused any significant interference with the performance of licensed radio services and other electrical and electronic products. Today we allow manufacturers of commercial computers to test their products and bring them to market when they have demonstrated compliance with our regulations without the need for prior FCC approval. We do, however, require manufacturers of Personal Computers and peripherals to submit their test data and other information to the FCC, and these devices cannot be marketed until the FCC affirmatively approves the information submitted.

About four years ago, we proposed a new program designed to ease the administrative burden of regulation on manufacturers and distributors of so-called modular computers, those devices that are assembled, often by retailers, from modular components. While the rules initially proposed in that rulemaking are not yet ripe for adoption, the Agency is now considering adoption of a first step in the process of reducing unnecessary administrative burdens based on a proposal from an industry group, CBEMA, the Computer and Business Equipment Manufacturers Association. CBEMA's proposal would remove the certification requirements imposed on PCs and PC peripherals in favor of a less costly, less time consuming form of Verification, which CBEMA calls to as a Supplier's Declaration of Conformity.

CBEMA has proposed that in lieu of submitting test results to the FCC that manufacturers ship a Supplier's Declaration form with each product, as part of the instruction manual or in some other way. This form would contain product identification, a list of the FCC specifications and standards complied with either through manufacturers' own testing or third-party testing procedures, a test report identifier, and the signature of a manufacturer's



representative. The FCC would not have to approve in advance the Supplier's Declaration, and would only review the Declaration in an enforcement proceeding.

There are numerous advantages for both manufacturers and the FCC to a Supplier's Declaration system in this case, where certification is not necessary for health, safety, or other reasons. The most obvious benefit is cost savings to industry and to the Agency. CBEMA estimates that documentation and fees for the current system cost the computer industry \$7 million a year. The FCC also must use its limited resources to administer the review of the test results submitted by the manufacturer. A much greater, hidden cost, is the cost associated with delays in bringing products to market while awaiting FCC approval. Again, CBEMA estimates that these delays cost the industry as much as \$250 million a year.

The Supplier's Declaration approach would aid the competitiveness of U.S. industry, since manufacturers would be able to introduce new products into the marketplace more quickly. They would also avoid the risk of premature disclosure of confidential company information during the test review process. And maybe best of all, consumers could be more aware. They would have the advantage of the information in the Supplier's Declaration, allowing them to distinguish those devices that are compliant with the FCC's rules from those that are not. Such consumer awareness allows the marketplace, rather than the FCC, to be the primary policing mechanism for our regulations.

Putting such a system in place could also aid the U.S. in its negotiations with the European Union on a Mutual Recognition Agreement for electromagnetic compatibility. The Europeans currently recognize a Supplier's Declaration of Conformity in this area, and we, of course, do not. This method, would also open the door for similar MRA negotiations with other countries. Efforts to harmonize the demonstration of conformance to EMI requirements would also be promoted.

Finally, and something of which I am very mindful, the Commission would also benefit from the system in more ways than paperwork reduction. We would use our resources in other regulatory areas such as licensed and unlicensed personal communications services, global maritime distress systems and spread spectrum systems. And our enforcement activities would be strengthened by freeing staff for market place auditing.

11/7/94